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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Poier et al.

Serial No. : 09/932,461

Filed : August 20, 2001

For : METHOD AND APPARATUS FOR DATA COMMUNICATION
BETWEEN A PLURALITY OF PARTIES

Group Art Unit: 2155

Examiner: not yet assigned

PETITION UNDER 37 C.F.R. §1.47(a)

RECEIVED

Assistant Commissioner of Patents
Washington, D.C. 20231

JAN 28 2002

OFFICE OF PETITIONS

Sir:

This Petition is filed under 37 C.F.R. §1.47(a), because M. Skye Poier, who is a co-inventor, is unavailable to sign a Declaration, which was sent to him along with a copy of the patent application for the above-identified patent application. Attached in support of this Petition are:

(1) a Declaration and Power of Attorney signed by the two other co-inventors, Gersham Meharg and Alexendre Pankratov, that declares that they each are inventors along with M. Skye Poier of the subject matter of this patent application, and

(2) a Declaration of Jennifer Erin Long with attachments regarding the attempts made to obtain the signature of M. Skye Poier.

As detailed in the attached Declaration of Jennifer Erin Long, a letter (a copy is attached with Declaration and Assignment included as Exhibit 1 to the Declaration of Jennifer Erin Long) was sent to M. Skye Poier on November 14, 2001 via both FedEx and registered mail via Canada Post, which is the Canadian postal service. Attached is

a copy of a printout from the Canada Post website (as Exhibit 2 to the Declaration of Jennifer Erin Long) showing that the package was "forwarded to the customer's new address" as of November 19, 2001. Also, attached is a copy of a letter from FedEx (as Exhibit 3 to the Declaration of Jennifer Erin Long) detailing the attempts made by FedEx to deliver the package to M. Skye Poier.

The Canada Post was contacted on two separate occasions. On both occasions, no new address was provided. In addition, a telephone number was attempted to be found. The number provided by Canada 411 White Pages web site (printout attached as Exhibit 4 to the Declaration of Jennifer Erin Long) upon dialing provided a no longer in service message. An attempt was made by calling directory service for the Vancouver area, which is where the last known address is, and there was no listing for different variations of M. Skye Poier's name.

As provided for in MPEP §409.03(a), the two remaining joint inventors have executed a Declaration and Power of Attorney listing M. Skye Poier as a co-inventor and his signature block has been left blank. As such it is requested that the submitted Declaration be determined to satisfy the Declaration requirement of 37 C.F.R. §1.47(a).


M. Skye Poier previously executed Declarations in connection to the two patent applications (U.S. App. Ser. No. 09/640,795 filed on August 18, 2000 and U.S. App. Ser. No. 09/660,245 filed on September 12, 2000) from which priority has been claimed in the instant patent application.

The \$130.00 fee set forth in §1.17(h) is included in the concurrently filed Response to Notice to File Missing Parts of Application Filing Date Granted.

M. Skye Poier's last known address is 333 East 13th Avenue, Vancouver, British Columbia, V5T 2K6, CANADA.

Applicants respectfully request that the above-identified patent application be deemed complete and forwarded to the appropriate examination group for examination.

Respectfully submitted,
CAHN & SAMUELS, L.L.P.

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